

REMARKS

ON A

PAMPHLET,

ENTITLED,

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The Thoughts of a Member of
the Lower House, in Relation
to a Project for Restraining
and Limiting the Power of
the CROWN, in the future
Creation of PEERS.



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REMARKS on a Pamphlet,
Entituled, The Thoughts of
a Member of the Lower-
House, &c.



THE Difference in Opinion betwixt me, and the Person who writes this Pamphlet, consists in this, We agree in a just Detestation of the Fact complain'd of, *viz.* the making a Number of Peers at once to over-rule a Majority in the House of Lords; but we disagree in this; The Author supposes a Natural and Proper Remedy to the Evil, which I cannot think sufficient, and which Experience has shewn ineffectual. The Remedy which is now providing by an Act of Parliament, before the Lords, cannot be denied to be of sufficient Force; but he supposes it in other Respects so dangerous to the Constitution, that it ought not to pass into a Law. I shall endeavour to shew that his Fears are groundless, and that this Act, so far from destroying, must strengthen and confirm our Constitution, and support our Liberty.

It were an Injury to him who writes this Paper, as well as to those who read what I have to offer, if I should give this Gentleman's Sense in other Words than his own; I therefore transcribe some of his Lines exactly; these, and few other Passages, will bring the whole Matter fairly in Debate.

This Gentleman having confess'd that the Prerogatives of the Crown are liable to be abused, and have been so in a late glaring Instance, he proceeds, *But the proper Remedy to the Evil, is to punish the Authors and Advisers of the Abuse, and not destroy the Constitution for an Enormity of one Part of it. Perhaps it is a proper Object of the Legislative Power, to consider, whether any Men ought to enjoy the highest Privileges and Honours in a Common-Wealth, for their endeavouring to destroy it. But with all the Clamour this Grievance has produced, has there been any Thing like this attempted? No: On the contrary, the Grand Criminal sits triumphant, glories in his Wickedness, and carries off the Price of it: Even that daring Minister durst not have ventured upon such an Action, if he had not had a House of Commons to support him in it.*

If I endeavour to answer this Paper, by shewing the little Force of some Objections which are made to this Act that is now depending in the House of Lords, for restraining and limiting the Crown in the future Creation of Peers; I flatter my self I shall write without ill Manners or Violence. Having followed
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the Author from the Beginning to the End of his Pamphlet without Prejudice, I am apt to believe we may carry on our Dispute, without the Spirit of Priestly Contention; it seems to me we have the same Principles, the same Views.

I am sensible 'tis a Gentleman who writes, a Friend to Virtue, an Enemy to Vice, a Lover of his Country; one zealous for maintaining the Constitution of it, and to whom the Whiggish Principles are not disagreeable. We cannot differ then in Fundamentals; but I conceive his Fears upon this Occasion, in regard to the Constitution, are groundless and imaginary, and somewhat like the Effects of Jealousy, which only arise from too much Love and Caution.

Whether this Person be a Member of the Lower House, or assumes the Character, is not to the Purpose; the Opinion I have of him by what he writes, makes me wish that Assembly were always composed of Men of the same way of Thinking; if so, it is evident that those bold Offenders, who have so scandalously abus'd this Prerogative, could not have escap'd unpunish'd: But if upon the most violent Abuse of this Kind History ever afforded, this natural and proper Method has not taken Place; if a House of Commons, so full of Indignation against the Crime committed, prov'd so indulgent to the Criminal; sure little can be said to incline us to depend upon the Remedy propos'd.

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We all think alike of that last Abuse of this Royal Prerogative; and yet notwithstanding, it so happens, that Persons (no way tender of the Prerogative of Kings) are become strangely zealous for the Preservation of this. I cannot conceive it proceeds from particular Respect to Monarchy. It is new indeed, and very extraordinary, to find Whigs opposing a Restraint to Royal Authority: And nothing more surprizing could happen, did we not see at the same Time, a King willing to limit that Authority for a Publick Good. But a Prince willing to part with Power, and Whigs unwilling to permit it; these are Riddles indeed in *English* Politicks, but such as are easily explain'd.

I shall offer but Two Arguments to prove the Disappointment we might meet with, if we depended upon this proper Remedy of Parliamentary Punishment. A Remedy never so proper for the Disease, will do the Patient little Good, if it cannot be come at: The first arises from this Author's Assertion, the other from my own Observation. If his daring Minister, (as he says) *durst not have ventur'd upon such an Act, if he had not had a House of Commons to support him in it*; give me leave to say, he has given it for granted, that a House of Commons is capable of supporting a Minister in the most scandalous Attempt.

To this Fact which he affirms, let us join another which no Body can deny, and there will remain little Doubt as to the Point in Question.

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One Set of Men, or Party in the House of Commons, were capable of supporting such an offending Minister, *as without describing, occurs to our Thoughts upon this Occasion.* Another Set of Men, and a different Party in the House of Commons, suffer'd such an Offender to go unpunish'd. 'Tis plain then from what he declares, and from this Example, too recent and notorious to be out of our Minds, that we have little or nothing to expect from this proper and natural Remedy.

The other Reason why I never expect to see a Great Man, though a great Transgressor, punish'd in Parliament, is this, Because I look upon it as a Perquisite of the succeeding Ministry, the absolving the preceeding Criminals. I conceive then, that it appears manifestly upon the present Foot, both from Reason and Experience, that Ministers, without great Temerity, may venture again upon this, or any other the like Enormity, and have nothing to fear but an Impeachment from the House of Commons; which I compare to a great Wind whistling amongst Trees, making a Noise amongst them, but blowing none of them down.

I am sensible I have been repetitious upon this Head; but when a Remedy is propos'd as natural, which hardly ever comes to pass; as proper, which scarce ever is put in Execution; such an Assertion so little sustain'd, which however is to carry (as it were) the Cause cannot be too much expos'd.

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But this (if I judge not amiss) is directly to the Point in Question, and very material: If a House of Commons can be so abandoned to a First Minister (as this Author seems to allow) even to countenance him in his Crimes; if the Power of Ministry be so venerated in that Assembly, that even when the Male-Administration is abhorr'd, the evil Instruments are acquitted; if one may say of Ministers, as *Denham* said of the Quaker, though the Devil trapan the *Adamical* Man, the Saint stands uninfected; when the Grand Inquest of the Nation remains useless to the Publick, in this principal Part of their Duty, by some strong, tho' not unknown Influence; if in such a Situation of Affairs, a Method is propos'd, by which the House of Lords may become less depending upon the Crown or Ministers, I should think the true Lovers of their Countrey should embrace the Expedient, unless it be attended with very fatal Consequences. Those who oppose this Bill, pretend no less than Alterations which subvert the Constitution; but in my poor Opinion, all who write upon this Subject, first beg the Question, and then draw most terrible Consequences, but from no just Foundations.

Before I answer that Part of the Gentleman's Paper, where he pretends to shew what our Condition might be by the Alterations this Act of Parliament would produce in our Constitution, I must say something as to the State we are now in; since those Laws are pass'd, which (in Words only) have united the Two Nations;

Nations ; and I cannot in the least doubt but it will appear , some Alterations are necessary, unless Civil Wars and their Consequences are desirable.

For the fashionable Prejudices to Alterations and new Laws, in the general Sense, nothing seems to me more absurd. This Idea would almost make Parliaments useless : Were they not to improve and secure the Constitution by somewhat new, they would have nothing to do, but to lay Taxes on the People ; which Situation would soon make them disagreeable. Even in the Hands of the Deity, Perfection seems to be the Work of Time : Omnipotence fram'd the World by Degrees ; and certainly of human Labours, none of them have been brought to Perfection at one Stroke, but by repeated Amendments and Alterations. Whether these which are now propos'd, are proper or dangerous, helpful or detrimental to the Publick , will best appear from a serious Consideration of what is offer'd from both Sides.

Tho' I can no Ways agree with those who foresee the ill Consequences that may arise from this Act of Parliament ; yet I will confess the Motives must be very strong, which induce so many different Interests and Inclinations to the passing of it. A King without Bargain parts with Prerogative ; *English* Lords increase the Number of *Scotch* Peers in their House, and make them Hereditary ; the Commons agree to what is advantagious to Lords, with-

out any Benefit to themselves: Tho' all this should (well understood) appear to be for the publick Good, yet I confess it will surprize the World, that the best Project should succeed, attended with the Prejudices of Novelty and Difficulties, which at first Sight seem to have Weight: Even the Probability of its passing, is owing, in my Opinion, to the extreme Necessity of this Law, or something that may have the like Effect.

If this Act take Place, it is a strong Proof of what I presume to assert, That no Countrey was ever in worse Circumstances; since the Union of the Two Nations must prove the Ruin of Both, if the Errors, which perhaps were unavoidable, in the bringing us together, be not amended, or capable of Amendment.

If we consider seriously, there will appear the highest Absurdities in our present Frame: We are like a Ship built of Old and Green Timber, so ill patch'd together, that we must founder in the first Storm. And there is nothing more ridiculous, than to say, the Legislature ought not, cannot, shall not save Two Nations in the extremest Danger, by proper Alterations in the known and usual Methods of the Constitution; if so, this becomes the proper *Motto*, tho' a strange one indeed, for a Parliament, and the Supreme Authority,

Video meliora proboque, deteriora sequor.

The Union was scarce in Being, but it was the common Discourse and general Opinion,
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that the Articles of it, in regard to the *Scotch*, were such, as would oblige that People, upon the first Occasion, to take up Arms in order to dissolve it. A dangerous Rebellion has since prov'd this to be true : And there is no Person who will not confess, there are fair Probabilities of another at this Time ; all owing to the mistaken Terms of the Union.

Whenever a general Discontent appears, it is to be fear'd there are Reasons for it ; but in this Case, they are obvious and plain. The greatest Error in this ill-adjusted Scheme with *Scotland*, I take to be this, That the Hardships (inevitable perhaps at first) are such as never can have an End. A People may bear some present Damage with Patience, for a publick Good, and for future Advantage ; but Men of Spirit, subjected to National and Perpetual Injuries, will never cease to resent them, and never lose any Opportunity to ease or revenge themselves. When there is a Prospect of a Remedy, notwithstanding it be a remote One, there is Room for Patience. Tho' the present Age cannot have the Benefit propos'd, there is imprint-ed in Human Nature, a necessary Tenderness for Posterity, but *NEVER* is a very disagreeable Word ; and an Injustice remediless in the natural Motions of a Government, must occasion some convulsive ones, fatal to the Constitution and the Countrey.

In a word, whoever is for strictly adhering to the present Terms of Union ; whoever is of Opinion, that the visible Mistakes in those in-

judicious Laws, are not to be amended by the Legislature, I declare him a damn'd Papist in Politicks; for he is placing an Infallibility in the Makers of those Laws, more prejudicial to the State, than the Infallibility of the Pope to true Religion; he is also securing to all Pretenders whatsoever, whether supported by *Spaniards*, *Swedes*, *Muscovites*, or *Turks*, the Nation of *Scotland* ready to take Arms upon all Occasions, and to all Ages.

If any Argument have Weight in this Matter, and can be said to be truly stated, it is the Difficulty or Injustice of taking from some Persons, innocent and unheard, what they have a Right to. But if this Law do not pass, it is not a Part of the Nobility of *Scotland*, but the Whole, that remain under a perpetual Grievance and Injury. No *Scotch* Peer, from the first to the last, can ever be a Peer of *England*, [so it is adjudged by the House of Lords;] but by the present Project Five and Twenty are admitted, (such as indeed they ought to be) who sit in a House of Parliament, at least as free and independent as their Fellow Peers; and all the Families at present excluded, are secure of the same Honour in Time; since those Extinct are by Obligation to be fill'd up out of the remaining Nobility. The pretended Hardship to the Electing *Scotch* Lords, is in truth, and when consider'd, a Favour to them; but such an one as will never be received by those disaffected to the Government, which I fear are not few in Number: So that Consent, however desirable on this Oc-
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casion, cannot be expected. The Truth is, all was against Nature in the first Conception, and consequently the Birth must prove monstrous; neither can so many Irregularities be cured by Methods without some Exceptions.

By what this Act would remedy, tho' all could not be pleas'd immediately, the most considerable, and the most dangerous Body of the *Scotch* Nobility would be satisfied, and there would be a Time when all disuniting Circumstances would cease. But were the Streams of Union to flow to Eternity in the present Channel, they could never make one River; the Waters would run unmix'd to the End of Time: The Law propos'd, is the only Expedient to make One Nation of Two, uniting in one common Interest the Extremes of *Britain*.

When I am speaking of the Incongruities of the Union in respect to *Scotland*, I must, in few Words, represent the Indecencies that are notorious; the Prejudices that are occasioned to our *English* Constitution by some Parts of it, those particularly which are now endeavour'd to be amended by this Bill.

A Person curious to be inform'd of our Government, when he was told of a Number of Elected Lords sitting with equal Authority amongst Hereditary Peers, his first Question wou'd be, By whom are they Elected? When he is made acquainted, that their immediate Generation is from the King and Ministers; that they are Lords at Pleasure only, and upon their good Behaviour; that they die in a short
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time like Insects, and can revive no more, but by the Sunshine of the Court.

The very stating the Case is sufficient; sure there does not want Arguments against what seems so monstrous, so shameful, and so very prejudicial to the Freedom and very Being of a House of Parliament. As these *Scotch* Lords are received with Disgust by the *English* Peerage, so they sit amongst them with Indignation. As the *English* resent being oblig'd to admit Companions without Freedom, so the Peers of *North Britain* groan under the Burthen of their Dependency. Are these fit Guests for the House of Lords? How fatal would it be, when a Remedy is at Hand to such Absurdities, if Passion, mistaken Self-Interest, and Pride should disappoint us of it?

It cannot be conceived, a King, how gracious soever, how little desirous of unnecessary Power, that he should wantonly toss away what some pretend so essential a Part of his Prerogative. With all possible Respect also to the present Ministers, I cannot suppose, that the Aversion to the Power of influencing in Houses of Parliament, was the only Motive to the preparing this Act: In my Opinion, it was a due Consideration of the dangerous Condition we are in, that made them think of providing some Remedy to the impending and necessary Mischiefs.

The Preservation of our Wealth, Quiet, Liberty and Religion, I take all this, in a great Degree, to depend upon the Fate of this Bill; that

that is, I firmly believe, unless the Conditions of the Union may be so amended, as that the *Scotch* Nation may not remain under an Eternal Disposition, I had almost said Obligation, to rebel, that sooner or later all that is dear to us will be sacrificed to our present Passions of Obstinacy and Pride.

A Civil War must ensue; and let *Englishmen* consider, that the Contending Princes must support different Religions, different Principles, and differing Parties; and to fight their Quarrel, must introduce into this miserable Country almost as many Sorts of Destroyers, as there are Nations in *Europe*: This indeed will prove, *plusquam Civilia Bella*.

If a King then, urged by these Necessities, is willing to part with a great Prerogative; when Ministers (forgetting that the Influence of the Crown is less often made use of for the Prince, than the Favourite) act so like Patriots; should not every Part of the Constitution imitate the Generosity of the Prince, and follow the good Example (once) given by Statesmen: Were it not scandalous for any Body of Men to oppose, what only can prevent those Tragick Scenes I have mentioned? And were there some private Interest at Stake, (which is not the Case) should it not be sacrificed to this Publick Good, and to such pressing Necessities.

From what has been said, it is plain, that unless proper Remedies be made use of, as we live (*to my Regret*) under Septennial Parliaments, so we must live under Annual Rebellions. However,

ever, tho' it were to prevent Eternal Taxes, to prevent Numbers of Troops, which in dangerous Times will ever be demanded and allowed; were it to prevent all that can be imagined of Evil, yet I protest I would not promote this Bill, if such Consequences as are pretended, could follow from it. It is time therefore to consider that Part of the Pamphlet, where these terrible Events are foretold.

There are many declamatory Objections published against this Bill. One Author declares, If this Bill passes, that this well-form'd Monarchy degenerates immediately, not only into an Aristocracy, but even into the worst Sort of that bad Kind of Government; and represents (but very little to the Purpose) all the Defects of Aristocratical Dominion.

The Writer, whom I particularly apply myself to, supposes *such an Exorbitancy of Power to accrue to the Lords by this Bill, to which there can be no Limitation, but what flows from their Lordships Justice, Moderation, and Satiety of Power.*

Our happy Government is truly represented by all of them, as a Mixture of Authorities counterbalancing one another; but all of a sudden, the weakest and least dangerous Part of that Constitution is made capable of overturning the other Two; tho' there be no useful Authorities taken from the Crown, no Privilege nor Right taken from the House of Commons, nor any real Power added to the Lords to make them thus formidable.

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In the Front of a terrible Paragraph you will find these Words. *If this Prerogative is taken away, the House of Lords will be a fixt independent Body, not to be call'd to account like a Ministry, nor to be dissolv'd or chang'd like a House of Commons; and nothing can stand before them.*

I must in course enumerate all the other extravagant, ridiculous, and impossible Feats that are to be perform'd by the Lords after the passing this Act. But why, and to what purpose they should engage in such Attempts, or how, and by what means make them successful; of this there is not one Word, and nothing said to shew the probability, or possibility of succeeding in such *Don-Quixot-Undertakings*.

I give a List of them in the Authors own Words, and at the same time take the Liberty to say, that this part of the Pamphlet shews more of the Writers ill Humour, than Judgment. *If their Lordships should take it into their thoughts to dislike the Ministry, and commit them to Prison, I would willingly know who shall fetch them out. Or if the House of Commons should be so unwary as to give them Offence, and their Lordships think fit to declare they could act no longer in concert with a Body of Men who had used them so ill; 'tis evident the Crown must exert its Authority to chuse another more to their Lordships fancy, and afterwards use its utmost Efforts to keep them in a becoming Complaisance to their Betters. If they should resolve to have all the*
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great Employments of England in themselves and Families; or should take a Conceit to be like the Nobles of some other Countries, to pay no Taxes themselves, and yet receive the greatest part of what is paid by others in Salaries and Pensions: I would ask the Advocates for such a Law, what recourse the Crown and People have?

A few of the second-rate and selfish Arguments I shall just mention. There is a great Apprehension exprest, that this Act will place the Lords in a Situation of craving and obtaining more Places, of ingrossing all other Honours, as that of the Garter to themselves.

This mistaken Notion is flung in amongst the rest, *that the Crown* cannot debase the Nobility and make it cheap, without lessening its own Authority and Power.

One would think by the general Turn of these Pamphlets, that all Kings and Ministers had been lately prepar'd to sing in Concerts; they are represented so tame and so harmless, that it becomes as unnecessary to provide against the influence of Courts in Parliament, as unjust to deprive the Ministers of the Opportunities of giving ill Advice: but Lords, (Heavens protect us!) are such terrible Creatures, that one Grain more added in their Ballance, makes them Omnipotent and Irresistible, and capable to toss the King and Commons in a Blanket; as they serve a Scoundrel who cannot pay his Bett in a Cock-Pit.

I shall not contend with this Gentleman in favour of *Aristocratical* Government ; God forbid there should be no Limitation to the Power of the Peers, *but what flows from their Lordships Justice or Safety of Power* ; God forbid there should be no Limitation to the Power of the Commons, but what proceeds from their Incorruptness and Moderation : We will allow all good Qualities to those who compose these August Assemblies, as far as Men with human Passions are capable of them, but will not (depending on their Verrues) bate one Inch of any sort of Limitation or Restraint, by which Evil may be prevented and the Constitution secur'd : Neither can we justify it to our Country or Posterity, if we lose any Opportunity by which our Government can be improv'd and better defended. But besides those Securities we have, if more or better were to be obtain'd, or those we are possess'd of improv'd ; I understand not the Policy which can incline any Society of Men, or any particular Person to oppose an Alteration if beneficial, only because 'tis an Alteration.

The degrees of Evil betwixt *Aristocracy* and *Democracy* are little to the purpose ; natural things are often improv'd by mixtures of different Ingredients, and a Lover of the *English* Constitution should remember that the Drams of *Aristocracy* and *Democracy*, which are flung into our Composition, are the Antidotes against that Poison of Tyranny, with

which at present almost the whole World is infected. And if our Government consists of several Branches, (no matter what Titles we give them) it were hard to find out what is really good for one part, which would not be advantageous to the whole, or what is bad for one part, that is not detrimental to the others. If we examin the matter in question these several ways, I perswade my self, we shall soon determine whether the Project be good or bad.

Without enlarging upon the nature of our Constitution, which might shew how little to the purpose are the *Lacedemonian* and *Danish* Examples; it would suffice to say, it would be better in all respects, that it consisted but of one Branch or Authority than of many; unless the different parts of the Government were calculated to be a proper Ballance one against the other; if there was not force enough for a regular sufficient and decent Opposition in the several parts of this Compound Government, it would be liable to many Objections: Whereas upon this Supposition it is allow'd to be the best of all, no one part of this Government must be permitted like *Moses's* Serpent, to be capable of devouring the others. A weak and insignificant Contest would be detrimental to Action, and no Contest would be fatal to Liberty.

I must now beg leave only in few words to turn the Phrase; Is not influence and force in either House of Parliament the Dissolution of Govern-

Government? Is not a Violation of the Rights of one House, a Breach upon the other, and an Injury to the whole Frame? Is not an Inundation of Lords into the Upper-House, and Numbers pour'd in upon them at once to serve a Turn, destroying the very nature and being of Parliaments? Is not a defeating the Use, Design, and Properties of a Parliament, an Injury to the House of Commons? How comes it about then, there should be such a separate Interest, in so essential a Point to Liberty?

It were absurd to say, This Act of Parliament would not make the House of Lords in some Circumstances more free, and less dependent on the Crown and Ministers; at least these Writers must not dispute it, who offer it in their Papers as an Argument against it. If Freedom and Independency in Houses of Parliament be now suppos'd prejudicial to our Constitution, it is a Doctrine new (at least amongst the *Whiggs* to this Day) and very foolish have been the Endeavours of many Patriots and Wise-men, who have done their utmost to introduce Self-denial and qualifying Bills, for preventing the influence of the Court in the House of Commons.

But shall it be taken for granted, that Independency and Freedom are proper and safe in a House of Commons, yet improper and unsafe in a House of Lords? I flatter myself, that calm reasoning will over-throw the brightest Sophistry; and who is there, that in plain

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English will offer to assert, Freedom in the Houses of Parliament not to be the main support of Property? If so, who can deny that the better securing of Liberty in one House, is an advantage to the other, and an Improvement and Security to the whole Constitution.

But perhaps it is not unnecessary to explain the Independency in question. As long as the Constitution lasts, there never can be in either House an Independency from the Crown; neither strictly speaking, can the Crown be independent from the Parliament or the People; but what is meant by Independency is this, That every part of the Constitution shall have the free Exercise of their proper Functions, without Lett or Hindrance; and whatever obstructs these Operations, proper to the several parts of our complicated Government, as soon as it is perceiv'd or found out, it ought to be remov'd by the Legislature: and whatever helps the Crown or the House of Parliament in the proper Exercises of their mutual Privileges and Authorities; that should likewise by the Legislature be strengthened upon all occasions and confirm'd.

But I never met in all the Papers that ever came to my Hands, the like Rhapsody of Notions flung together, which appear in these writ upon this Occasion; as if it were only to confound our Understanding: In this weighty Article, *The House of Lords will be a fixt independent Body, &c.* what is meant? Are they to be understood independent and dangerous because

because their Numbers are fixt? This I deny, tho' it is what the Author would insinuate, yet when he undertakes to prove it, he will find it difficult: For, besides many good Reasons to oppose, I have a fatal Example against him, which I wonder he was not aware off; and he must give me leave to tell him, that there is no place where Men lie under so great Suspicion of dependency, as in that very Assembly, incapable of Increase, where he would have this Privilege of being a fixt Body solely to remain.

As strong and apt as this Precedent is which I produce against him, as weak is his own Example, cited by himself in his eighth Page; which he introduces with the Method he is fond of, which is complicating Ideas, and then forming his Arguments upon that part which has nothing to do with the Point in Question: his Words are, *When the Commons were trusted with such a Power, the lust of Dominion soon got the better of their Vertue, they first garbled their own House by expelling their refractory Members, then depos'd the King; and at last the House of Lords; and assumed a greater Tyranny to themselves than they oppos'd in the Crown.*

To understand what Power he means, we must go back to the beginning of the Paragraph, where these Words are artfully placed at a distance. *If the House of Commons were fixt and indissoluble, the Government would soon devolve into an ill contriv'd Democracy,*
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and the Crown would have no remedy but acquiescence or force. Such a Body of Men would feel their own weight, and always think it laudable to encrease it, &c. The first Word made use of is proper, *fixt* is a significant Expression, when we have under consideration the fixing and limiting the number of Peers; but why is this word *Indissolvable* coupled to the other? With a good reason indeed, if such an Artifice could pass upon us, to make that true by the last Expression, which is false from the first, tho' the first only relates to the matter in Question.

Were any thing, in the Bill proposed, tending to make the House of Lords indissolvable, that is, that they should be a continuing Body of Men in the sole exercise of Power, whilst a King were at *Hanover*, or Members of the House of Commons were Hunting at their Country Seats; this indeed would be a just Foundation to all the Prophetick Dangers and evil Consequences which are so unjustly ascribed not only to this *harmless*, (but *proper*) Expedient for the support of the Government; but I take leave to say, when I make use of these Terms, *Harmless*, and *Expedient*, I pretend that both are to the purpose; neither do I suppose any thing, or expect it should be granted, till I have first given the Proofs of what I affirm.

There often arises this Inconvenience from Eloquence, that some Expressions which give grace to the Paragraph, do prejudice to the Cause

Cause. This Writer, before he makes an end of his Period, has flung away the essential Term, that upon which the whole matter turns, and proves and confesses all I could desire of him to my purpose, and against himself; which is no less, than that all this mischief he complains of was brought about by the Commoners, because they were not a *fixt* Body, not because they were so. First, says he, *they garbled their own House by expelling their refractory Members, &c.* Sure it need not be contested that the appellation of a *fixt* Body can only be applied to those, whose Number can neither be encreas'd or diminish'd; and, if this had been the Case of that House of Commons, those refractory Members must have continued in that Assembly, and probably would have prevented all the ensuing Mischief; those Mischiefs which were owing solely to the latter Expression, their having made themselves *Indissolvable*.

There is something very extraordinary in the Nature of this Debate. The Arguments made use of by my Adversary to his purpose, which to me appear weak and insufficient, I wish I could prove them strong and undeniable to recommend my opinion. If this Act were sufficient to make Lords free in their Votes, and independent upon Ministers, I think the Representatives of the People of *England* should not only give their consent to it, but give Millions also to obtain it; and as the Lords could do nothing more for the
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good of the Nation, than concurring and assisting in all Methods to procure such freedom and independency to the House of Commons; why the Commons should oppose any thing that is suppos'd to have that effect as to the Upper House, is past my Understanding. But in truth, the Act makes little or no alteration as to the point of Dependancy, but in one single instance; none of the influences the Court has over that Body are weaken'd, or taken away; this Act only prevents a single Blast of Wind, a Hurricane from tearing up all by the Roots in the House of Lords, and destroying that part of our Constitution. For, give me leave to say, *That, which by an unnatural Violence makes it useless, destroys it.*

Were the Revenues of the Crown diminished, or taken away; were the Generosity of our Kings restrain'd; were there no such thing left as secret Service, or Privy Purse; were the Places and Preferments of the Government, put into other Hands, than those of the Sovereign, one might suppose that Lords would become worse Courtiers than they are; but while those matters stand in *Statu quo*; I dare answer for their good Breeding and Complaisance upon most occasions. This Act cannot be said to prevent the influence of a Court in a House of Lords; it would in truth prevent a sudden insulting of those who were born Lords, by those who were not such, and never would have been such, but upon

upon such scandalous Occasions ; and this is the whole of the matter.

But the King loses a Prerogative necessary to keep the Lords in Subjection ; and if the most extravagant use of it is limited, the Bands of Government are dissolv'd. Suppose the Abuse of this Power were not a just Prerogative of the Crown, all possible Care should be taken that it should not become so ; and if it be *even in this abused manner* a Right, which the Crown might pretend to, it is high time it should be limited and restrained, as others have been : And sure there never was so proper an Opportunity for it, as when the Generosity of a King inclines him to procure it. But in regard to our Constitution, I take this matter to stand upon the same foot as what I am going to mention in some of the *Grecian* Governments, where there were no positive Laws against some unnatural and detestable Crimes, because 'twas esteem'd that such heinous Facts could never be committed : And shall it be pretended such Enormities are allowable, because no publick Authority or special Law hath condemn'd them ? but upon such horrid Improvements in Wickedness, when some late Ministers have shew'd themselves capable of such impudent Attempts against the Constitution, if they are not prevented by the Punishment of the first who introduced them, or by positive Law, it is to be fear'd the evil President will soon

mellow into Custom, and in time be defended as a justifiable Right in the Crown.

But now let us examin from whence proceeds this Terror of the Lords, or this Power, like to prove so formidable and dangerous, either upon the foot they now stand, or as their Condition will be when this Bill passes into a Law. Indeed there are scatter'd up and down in Pamphlets, very dreadful Assertions upon this Subject; nothing can stand before them; Who, or what Power shall clear the Goals of their Prisoners? Who shall oblige them to pay Taxes, or submit to the Laws in being? How shall the poor Commoners save themselves when under their Displeasure? How shall the Crown keep it self from being insulted? What a weak Defence must even the King, the House of Commons, and the People make against *this fixt, independent, and dangerous Body?*

But the poor *Ministers*, why thus expos'd? if the Lords dislike them, and put them in Prison, alas! alas! what Remedy for those innocent Creatures? 'Tis true the Devil always assists them against a House of Commons and brings them off; but Heaven can give them no Protection if the House of Lords fall upon them. Is not this pretty Stuff to offer in a Debate upon one of the most important Subjects that ever depended in Parliament, without the least Argument of any Solidity to give Countenance to these worse than *Irisb* Dreams?

They

They must labour against Wind and Tide, who endeavour to persuade that the Peers of *England*, in or out of Parliament, are dangerous to the Constitution of *England*, or in the least Condition to insult or impose upon the Crown, or House of Commons; for they will want Arguments and Presidents to make out what they assert, and they will find Reason and Experience against them.

There never was, nor can the Wit of Man frame a Part of a Government (if of any use at all) so little disposed to Innovations, or so little capable of procuring any dangerous Alterations in the State: This Dignity is necessary, were it but for the ornamental part of the Government; and the Author will give me leave to make use of his own Words upon this occasion; for better Expressions cannot be found than those he makes use of to support Truth. *There is not, says he, a more certain Maxim in Politicks, than that a Monarchy must subsist by an Army, or Nobility; the first makes it despotick, and the latter a free Government.* I may then say, we must lay aside our King, or allow the Peerage of *England* to be of indispensable necessity in this frame of Government: And were this all could be said in their favour; is there more wanting, when they are allow'd to be that part of the Constitution which prevent the Monarch from being despotick, and make us a free Government?

I was always of opinion that too much Honor

They

nor was done to the Lords, when they were allow'd to be one of the three Estates: It must be agreed, that the King is an essential part of the Government, from the Weight of his Character, and from the Greatness of his Power; he rewards and punishes, and can pardon; he has great Revenues to support his Dignity, Guards to secure his Person, and Armies to defend his Title and Prerogative: That the House of Commons is an essential part, and of great Weight in the Ballance, will appear from the Millions they have dispos'd of within the space of Five and twenty Years last past: in a word, they have the Wealth of the Nation at command, and are accounted the Representatives of the People, so that they have all the Authority that Money or Men can give them.

What are the Lords? a few in Number, only possess (as one Author has it) of an *imaginary Dignity*; they represent nothing but themselves, and so can have no addition of Strength but from themselves, they are in no Circumstances which make them popular, but rather remain a Mark for Envy; the greatest part of them are poor, and none of them are possess of a dangerous Wealth; they have no Holdings which procure them Dependencies; they are possess of no Castles, or strong Places, nor have they any Being as to Action, but at the Power of another, that is, when consider'd as a Body, they are dissolvable at pleasure: And can there be a Description of more harmless Creatures?

I must

I must have recourse to an Imagination of the Papists, to express my Idea of a House of Lords, in respect to our Constitution. To our Heaven and Hell they have added a Purgatory; and have made, as I may say, a third Estate in their Cœlestial System; and what is the Idea of this Purgatory? it is a certain Situation, where the great and ultimate Decrees of Providence are not alter'd, but suspended and delay'd: In strictness to me it appears that the House of Lords is only in Imagination a third Estate; a Situation like Purgatory in this, Affairs pass indeed thro' that Channel, they rest there deposited a while, but the final Directions, and the last Stroke to all Business is given by the solid Authority, or irresistible Influences of the Crown, or House of Commons.

* The Pebeian.

But the other Author, * who scatters his Notions with more Spleen, and less agreeably affirms, that this Scheme might set up the Nobles above King and Commons; and after having beg'd leave to set this matter in a proper light, I am surpriz'd to find him so much in the dark as to our Constitution, and introducing what he has to say with so weak and so false a Supposition. *Suppose, says he, the Ballance to be now even between the Lords and Crown, as it certainly is; or else the Constitution would not subsist in quiet, is it not plain to the most common Capacity, that when two*

Scales

Scales are upon equal Poise, if you take any Weight out of one of them, you give the Advantage to the other? And nothing can be more dangerous, than to vary the Ballance of Power in a limited Monarchy.

The Ballance of Power now even between the Crown and the Lords? Surely this Author is little used to Calculations. This Gentleman will be pleas'd to tell me in what part of *Britain* and *Ireland* are quarter'd the Twenty Thousand disciplin'd Men which belong to the Lords? I desire to see a List of their Generals and subaltern Officers? Where is the Bank at their Command? And where the Mony for the Payment of their Troops? Where their Ammunition, Artillery, and Magazines? In what Ports are their Men of War? and of what Rates are the Ships that compose their Naval Force? Where is the Dominion they hold *in Commendam*, equal to the forcing Territories of our King? What Princes are their Allies abroad? and what Numbers of Troops are they oblig'd to furnish at their Call?

Shall I be answer'd, that all this Force and Power belongs not to the King alone? That our Military Men are supported with Mony rais'd by the Commons, and consented to by the Lords? Let this Body be call'd the Army of King and People if they please; I may grant my Adversaries many Points which I might contest with them, and yet be sufficiently supply'd to defend my Cause; let this

Reply

Reply therefore be allow'd to have Force; but however in a Contest betwixt the Lords and their Sovereign, much more in a Contest betwixt the Lords and the King and Commons united, especially when the Peers are suppos'd to act like Madmen, insulting their Prince and Fellow-Subjects; to which Side would all this Force repair?

But we are ask'd, What shall oblige *these fixt, independent Lords to comply with the Laws?* My Answer is short, either the King, or the House of Commons, the Civil Officers, the Army, or the Mobb.

In my turn let me ask a Question; With what shall the Lords support their Follies in Violation of the Constitution, against such solid and irresistible Power? I confess it were shameful to answer seriously to Persons who, in my opinion, hardly seem to be in earnest, or to believe what they say. Expecting no Reply from them, I will give this answer myself, The Lords in their greatest Splendor and Authority, with their Speaker at their Head, what have they to contend with against all these supposed Enemies? They have an empty embroider'd Purse, and a black Rod.

Shall we, to satisfy ourselves, look into our own History, or examin the accounts of other Nations; in every Place, in every Age, many Examples and Presidents will be found to contradict the new Opinions of these timorous Politicians: In the fighting Ages of our Monarchy, when Lords were as restless and tur

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bulent, as they are now quiet and pacifick, was it ever known that they took up Arms against the Constitution? They never fought for themselves, or to set up this Bugbear Aristocracy; they fought the Quarrel of the disputed Title of their Kings; and yet these were Times when they had real Force in their Hands, equal, if not superior to that of their Sovereigns.

The nature of their Order consider'd and their rank in Government, will shew that they can only aim at the preservation of what they have, and keeping the Constitution a foot wherein they enjoy distinct Priviledges, which descending to their Children, they are as zealous to preserve them to Posterity, as to themselves. The Nature of their Constitution is such, that as they are a Bar against all others, who would change and overthrow the Frame; so they are as naturally the Preservers of the State against the Ambition of any of their own Body.

Who were greater Adversaries to the Tyrants that arose out of the *Patrician* Order, than the Senators of *Rome*; and what Body ever so nobly resisted all attempts against Liberty as the Senate of that famous City; the whole tendency of such an Assembly is to support one Head with proper and limited Powers, that they may be preserv'd equal amongst themselves: this induced the Senate to frame and support the Dictatorial Power for a time; and in Exigencies, that they might

might prevent a lasting despotick Authority to any of their own Body; these were the views of that August Assembly; and their Conduct and Vertue preserv'd the Establish'd Government, till the Lust of the *Plebeian* for Power, and the Prostitution of the Soldiery to their Generals, overthrew that noble Frame.

Suppose I should esteem the weight of the Lords and the Commons United only a Feather in the Scale against the Crown, this notion may seem to be too much in the other extream; I confess it is very wide from the Computation of those Writers upon this subject, who make the Ballance just even between Lords and King; but I own I have no notion of any Ballance at present in our Constitution sufficient to secure it, against evil Ministers, Peers by Election, and a resolute Prince.

The only Ballance we can depend upon at present, is a just Ballance in the Judgment of our Sovereign; our Happiness depends upon the Equity of his Mind, and the Goodness of his Heart; and as a Lover, who hath not a deprav'd Taste, would rather receive favours from a Mistress by consent than force; so a well judging Monarch will content himself with what a consenting Nation can afford for his and their own Preservation, and will chuse to enjoy (with the blessings of his People) the just Honours, Prerogatives, and Advantages allow'd by the Constitution; but in the

fatal Case of a Dispute, the Treatment given a House of Commons by *Cromwell* shews too plainly how Parliamentary Assemblies may be us'd by a King: I mention only the rough, not the sweet ways, by which a Parliament may be manag'd; and I hope by this time, taking the whole into Consideration, we may lay aside our fears of the Lords being capable to insult the Crown, or subvert the Government, even when aggrandiz'd and fortified with all this Act can give unto them.

Which, give me leave to say, will be just nothing. Just what they were before the passing of this Law, the same they will be afterwards. What grain of mischievous Power is added to the Lords by this Bill? All that can be pretended, is a little defensive Armour afforded them against this single Violence, the subject matter of this Dispute, which is so justly abhorr'd by all.

Tho' it were prov'd that these dangerous Lords can do no hurt to others, there yet remains a complaint, they will be able to do too much good to themselves; all the Places in consequence of this Bill will be engross'd to them and their Families, and Merit and the best Parliamentary Talents will be of no use in the House of Commons. Seriously whoever tis of this Opinion, has very little consider'd the consequences of this Act. When the Crown is debarr'd the rewarding deserving Commoners with Titles, in all probability
more

more Places will come to their share; for nobody can doubt but that they must and will be Rewarded. Nay this Law may even bring the blue Ribbon amongst them, which they give for gone. If this Project does not succeed, a Garter can hardly make its way into the House of Commons, and the Reason is plain, because the *first reward a Commoner expects is a Peerage; that all the rest may be added unto him*; but if Commoners have Merit, and must continue Commoners, in all probability this Reward with all others will be common to them; however, if any Doubt remain upon this Head, for I confess this deserves a peculiar Regard, I take it to be in my power to give entire Satisfaction in few Words: As long as the giving Merit remains amongst Commoners, let them never doubt but they shall receive.

But this runs through this whole Pamphlet, the Assertion is ever most positive, when the Author is most in the wrong, of which these words are no little Proof. *The Crown can never debase the Nobility and make it cheap, without lessening its own Authority and Power*; this is offer'd like one of the undeniable Elements of *Euclid*, on which all subsequent Demonstrations are to be suppos'd infallible.

Not to enter into a thorough Dispute upon this Head, I offer this Crisis in our *English History* to the Consideration of my Countrymen; which I take to be the critical Moment,

ment, when the Crown most increas'd its Authority and Power, by debasing and weakening the Nobility. King *Henry* the Seventh has obtain'd the Character of a deep and politick Prince from that very Stratagem, by which he reduced the *English* Peers; they were condemn'd to be rich, they could not sell, nor alienate their Fortunes; he graciously procur'd them the Liberty of flinging away their Estates. Without further Dispute, I leave it to the World to judge; whether this was an injudicious Step in that Prince, towards encreasing and securing the Authority and Power of Kings.

I come now (I fear to the Satisfaction of the Reader) to consider the last Paragraph of this Paper, I could not but be pleas'd with it; all the Expressions are lively, and the Facts are true.

But even in the last part of the Course, it seems to me, that the Vivacity, the Mettle of the Author, makes him lose the Race: what can be said with more force against his own Sentiments, and with more Conviction for the Merit of the Bill propos'd, *than to affirm* (as he does,) *it had produced a never before known Unanimity amongst our great Men: It has yoked the Lion with the Lamb: The Whiggs with the Tories, Men in Power with those they have turn'd out of it.* Indeed there was nothing wanting to a compleat Agreement, but the Company of those who lately turn'd out themselves,

themselves, whether by Inclination or Foresight I cannot determine ; and surely such an Approbation from Persons differing in Characters and Interests, is the greatest Proof, that the Project in question is highly requisite in our present Circumstances, and undoubtedly for the publick good.

F I N I S.



The following is a list of the
 names of the persons who have
 been appointed to the various
 offices of the County of
 Franklin, Ohio, for the year
 1854.



F I N I S H

